

in order to reconstruct a single family residence with covered patio area and add a swimming pool in a "LA", Lake Austin zoning district.

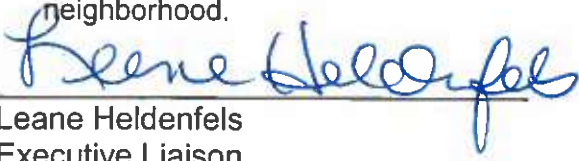
**Note:** Section 25-2-551 (B) and (C) of the Land Development Code applies to lots that are included in a subdivision plat recorded before April 22, 1982 or on a tract that is not required to be platted.

**BOARD'S DECISION:** APRIL 9, 2018 After discussion of request to postpone from neighboring property owners with applicant opposed Board Member Bryan King motion to Postpone to May 14, 2018, Board Member Christopher Covo second on an 11-0 vote; **POSTPONED TO MAY 14, 2018;** May 14, 2018 After discussion of additional request to postpone from neighboring property owner with applicant opposed, Board Member Christopher Covo motion to hear case, Board Member Don Leighton-Burwell second on an 5-6 vote (Board members William Burkhardt, Melissa Hawthorne, Bryan King, Veronica Rivera, James Valadez, Pim Mayo nay); **DENIED TO HEAR CASE DUE TO LACK OF VOTES, POSTPONED TO JUNE 11, 2018;** June 11, 2018 The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to July 9, 2018, Board Member Bryan King second on a 10-0 vote; **POSTPONED TO July 9, 2018;** July 9, 2018 The public hearing was closed on Board Member Bryan King motion to Grant variances B and C only and Deny variance A provided construction of the proposed home and garage is limited to the shoreline and building setback buildable area shown and highlighted on the attached drawing submitted at the hearing by the applicant who was not opposed to this condition, Board Member James Valadez second on an 10-1 vote (Board member Don Leighton-Burwell nay); **GRANTED VARIANCES B AND C ONLY AND DENY VARIANCE A PROVIDED CONSTRUCTION OF THE PROPOSED HOME AND GARAGE IS LIMITED TO THE SHORELINE AND BUILDING SETBACK BUILDABLE AREA SHOWN AND HIGHLIGHTED ON THE ATTACHED DRAWING SUBMITTED AT THE HEARING BY THE APPLICANT WHO WAS NOT OPPOSED TO THIS CONDITION.**

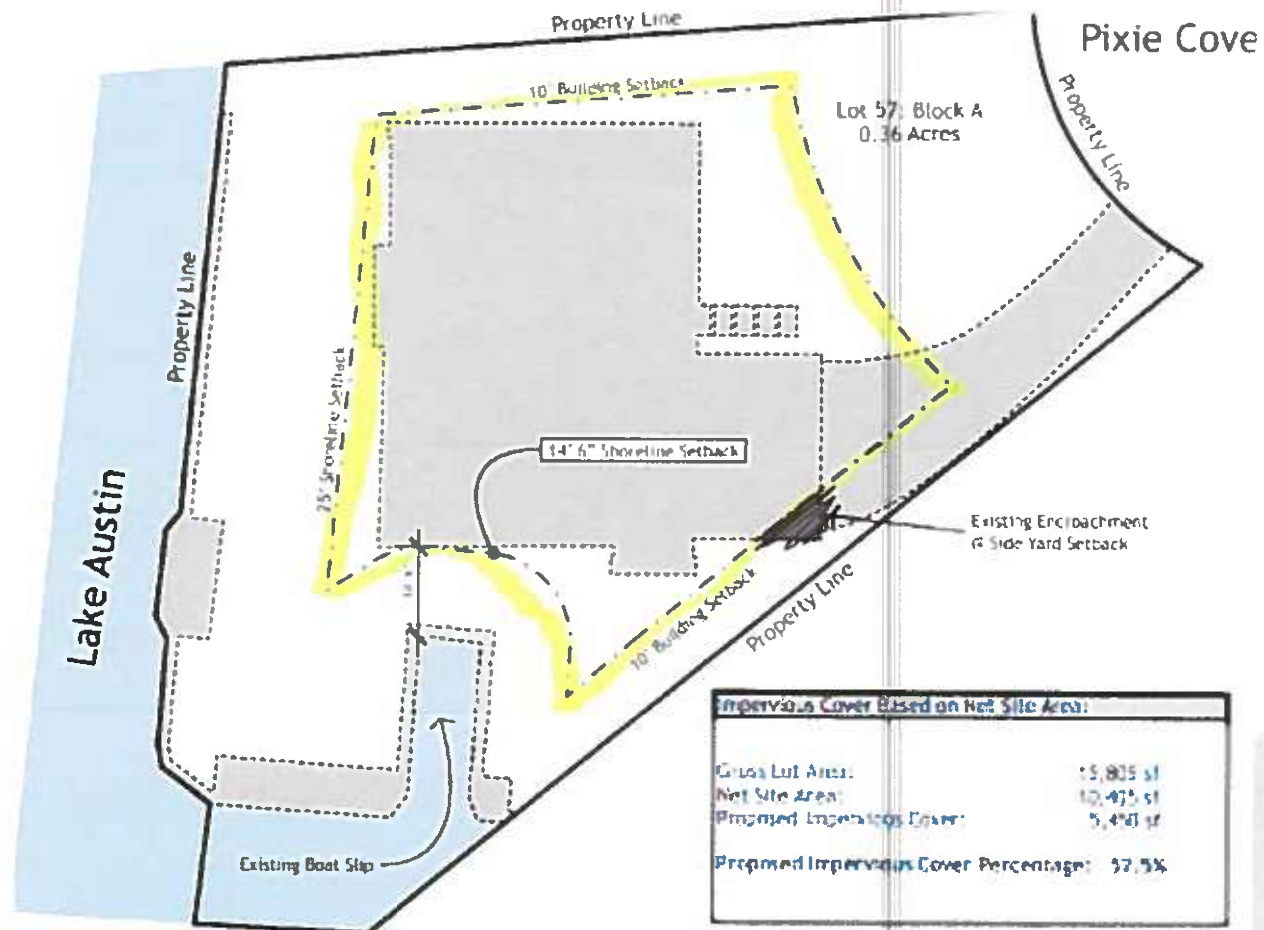
**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the house is 37 years old and in need of replacement, the property owner desires to replace the structure with a superior product that will reduce the impervious coverage and run-off into the Lake Austin. Throughout the lake Austin area there are many sites that were zoned SF-2 at the time of LA zoning application by the City by either the City's choosing or the owner's request because this site does not meet the basic lot size requirements of LA zoning performance standards it should have been zoned SF-2 in 1984. The site was built in compliance with the rules in place at the time of construction.
2. (a) The hardship for which the variance is requested is unique to the property in that: site was built in accordance with AA zoning in place at the time of construction, the current regulations require net site area be calculated which removes the rear 25' shoreline area  
(b) The hardship is not general to the area in which the property is located because: was built in accordance with AA zoning in place at the time of construction.
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: the proposed replacement structure would reduce the impervious coverage and reflect a contemporary home with better site controls with respect to run off and the replacement house will have no adverse impact

on the surrounding properties and will match the architectural style found throughout the neighborhood.

  
Leane Heldenfels  
Executive Liaison

  
William Burkhardt  
Chairman



**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE:** Monday, November 8, 2010

**CASE NUMBER:** C15-2010-0119

☐ Y ☐ Jeff Jack  
☐ Y ☐ Michael Von Ohlen **Motion to GRANT**  
☐ Y ☐ Nora Salinas  
☐ Y ☐ Bryan King  
☐ Y ☐ Leane Heldenfels, Chairman  
☐ Y ☐ Clarke Hammond, Vice Chairman **2<sup>nd</sup> the Motion**  
☐ Y ☐ Heidi Goebel

**APPLICANT:** David C., Cancialosi

**OWNER:** Jan, Schimsk

**ADDRESS:** 6706 TROLL HAVEN

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum shoreline setback requirement of Section 25-2-551 (D) (1) (B) from 25 feet to 8 foot 3 ½ inches at the closest point along the rear property line and from 25 feet to 6 feet 11 ½ inches at the closest point along the side property line in order to remodel (relocate existing stairs and install a ground level spa) and maintain the single-family residence in an "LA", Lake Austin zoning district.

The applicant has requested a variance to increase the allowable impervious coverage requirement of Section 25-2-551 (D) (1) (B) from 35% (63.4% existing) to 54% in order to remodel (relocate existing stairs and install a ground level spa) and maintain the single-family residence in an "LA", Lake Austin zoning district.

**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions that the variances apply only to outdoor spa and exterior building features such as balconies or stairs as per plans presented and building perimeter to remain the same, Board Member Clarke Hammond second on a 7-0 vote; **GRANTED.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the lot is oddly shaped with the existing structure located toward the rear and side of the lot, the lot is surrounded to the rear and side by water, requiring 25' side and rear shoreline setback measured from the existing bulkhead not the property line that extends into the water, giving the existing structure's orientation within the lot, a permit to remodel the non complying structure, install a ground level spa, and relocate existing stairs cannot be approved without encroaching into existing side and rear setbacks as well as exceeding the allowable impervious cover requirements



2. (a) The hardship for which the variance is requested is unique to the property in that: the lot abuts Lake Austin to the rear and side, the existing 1977 structure requires a complete remodel in order to be a habitable structure and cannot receive permit without side and rear setback and impervious cover variances, the current impervious cover will be reduced from 79% to 54% as per the proposed site plan.  
  
(b) The hardship is not general to the area in which the property is located because: this uniquely shaped lot is bordered by Lake Austin on two sides, the majority of LA properties abut the lake only to the rear, requiring a single 25' or 75' LA setback, this property requires two 25' setbacks, a single line abutting the rear property line and a zig-zag line abutting the side (channel) property line
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: the existing structure will undergo a remodel only, maintaining the existing footprint

	
Susan Walker	Leane Heldenfels
Executive Liaison	Chairman

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE: Monday, June 9, 2008**

**CASE NUMBER: C15-2008-0074**

☐ Y ☐ Greg Smith (2<sup>ND</sup>)  
☐ Y ☐ Michael Von Ohlen (**Motion to GRANT**)  
☐ Y ☐ Dorothy Richter  
☐ Y ☐ Bryan King  
☐ Y ☐ Leane Heldenfels, Vice-Chairman  
☐ Y ☐ Frank Fuentes, Chairman  
☐ Y ☐ Yolanda Arriaga

**APPLICANT: JIM BENNETT**

**OWNER: WALTER T THIRION**

**ADDRESS: 6702 TROLL HAVEN**

**VARIANCE REQUESTED:** The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (D) (3) (a) from 35% to 48% (existing) in order to erect a deck for an existing single-family residence in an "LA", Lake Austin zoning district.


The applicant has requested a variance to decrease the minimum shoreline setback requirement of Section 25-2-551 (2) from 25 feet to 0 feet in order to erect a deck for an existing single-family residence in an "LA", Lake Austin zoning district.

**BOARD'S DECISION: GRANTED 7-0**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: lot is very small and impossible to utilize the back yard without encroaching on the shoreline setback and exceeding the maximum impervious cover requirement.
2. (a) The hardship for which the variance is requested is unique to the property in that: when property was bought in August 2006, an existing deck and patio encroached on the shoreline setback and exceeded the maximum impervious cover requirement.  
 (b) The hardship is not general to the area in which the property is located because: this lot is one of the smallest lots with a much smaller house than surrounding properties; this is not a new construction but repair and replace of an unsafe deck.
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: deck will replace existing deck and actually encroach less in the easement

  
 Bobby Ray  
 Executive Secretary

  
 Frank Fuentes  
 Chairman

CASE # C15-2008-0074

**CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE**

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED  
INFORMATION COMPLETED.**

STREET ADDRESS: 6702 Troll Hvn, Austin, TX 78746

LEGAL DESCRIPTION: Subdivision – Sheppard Resubdivision

Lot(s) 37C Block A Outlot      Division Rivercrest Addition, Section 2

I/We Walter T. Thirion on behalf of myself/ourselves as authorized agent for

Walter T. Thirion affirm that on April 10, 2008,

hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

Repair and remodel deck to replace rotten wood with structural steel and new deck material

in a LA district.  
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

**NOTE:** The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The lot is very small and it is impossible to utilize the back yard without encroaching on the shoreline setback and exceeding the maximum impervious cover requirement.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

As shown in the attached pictures and survey, when I bought this property in August 2006, there was an existing deck and patio that encroached on the shoreline setback and exceeded the maximum impervious cover requirement. As detailed in the attached engineers report, the existing deck was rotten, unusable and unsafe. Based on that, I had CHAS Architects and the engineer draw up plans for a new deck to be constructed over the existing patio. This new deck would be constructed of steel posts and beams and comply with current building codes and modern construction techniques.

After the plans had been finished and signed off by the engineer, CHAS Architects hired a consultant to get the necessary building permit from the City of Austin. I, as the owner, am acting as the general contractor on this project. After approximately a month and a half, I was told the building permit had been approved and I started the project by having a demolition subcontractor remove the existing deck and the steel fabricator started erecting the new steel structure. Unfortunately, I subsequently found out there had been a miscommunication between the architect and the consultant and the building permit had actually not been issued. Construction was halted at that time.

I believe this variance is necessary because the lot is so small that it would be impossible to utilize the back yard without the variance. Furthermore, the deck would not actually increase the impervious cover as it will be built over the existing concrete patio and, lastly, would simply restore the property to the state existing when I purchased the property but increase the safety. The new deck will also replace the cover over the existing boat slip which was removed as part of the deck demolition.

- (b) The hardship is not general to the area in which the property is located because:

This lot is one of the smallest lots with a much smaller house than surrounding properties. So other properties have more room for improvements. With the exception of the mistaken demolition, this is not new construction but repair and replace of an unsafe deck.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Deck will replace existing deck and actually encroach less in the easement

Rainwater collection from deck will be returned to lake

**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed \_\_\_\_\_ Mail Address 3501 Robbins Road

City, State & Zip Austin, TX 78730

Printed Walter T. Thirion Phone (512) 306-1521 Date March 31, 2008

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed \_\_\_\_\_ Mail Address 3501 Robbins Road

City, State & Zip Austin, TX 78730

Printed Walter T. Thirion Phone (512) 306-1521 Date March 31, 2008

## **GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT**

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

### **VARIANCE REQUIREMENTS:**

#### **General Requirements:**

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

#### **Required Findings:**

The Board of Adjustment is also required to make findings discussed below in order to grant a variance. Applicants must provide the Board with proposed findings.

### **SUBMITTAL REQUIREMENTS:** (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) A tax plat with subject property clearly marked indicating property within a 300-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).
- (4) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (5) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.



**REQUIRED FINDINGS:** All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

**Reasonable Use:**

Application must demonstrate to the Board how the zoning will allow for a reasonable use of the property. [Note: The Board will not allow a use that is not allowed in the zoning district in which the property is located.]

**Hardship:**

- a. Application must demonstrate to the Board how the hardship is unique to the property. Hardship should be specific to the property and the requested variance. (For example, topography, lot configuration, placement of the structure or prevent compliance with regulations. A strictly financial or personal reason is not a valid hardship.)
- b. Application must demonstrate to the Board why the hardship exists at the property is located. Describe how the hardship affects properties in the area.

**Area Character:**

Application must demonstrate to the Board how the variance will not change the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the zoning regulations of the zoning district in which the property is located.

**NOTE:** Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

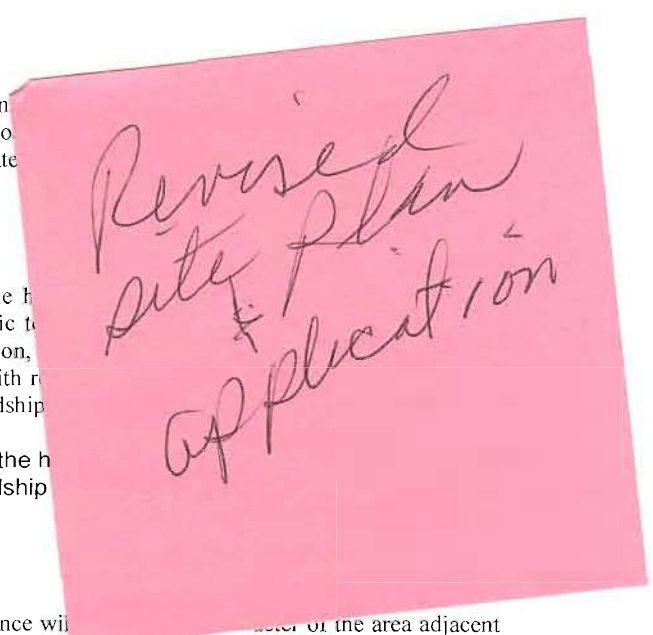
**Board of Adjustment Staff:**

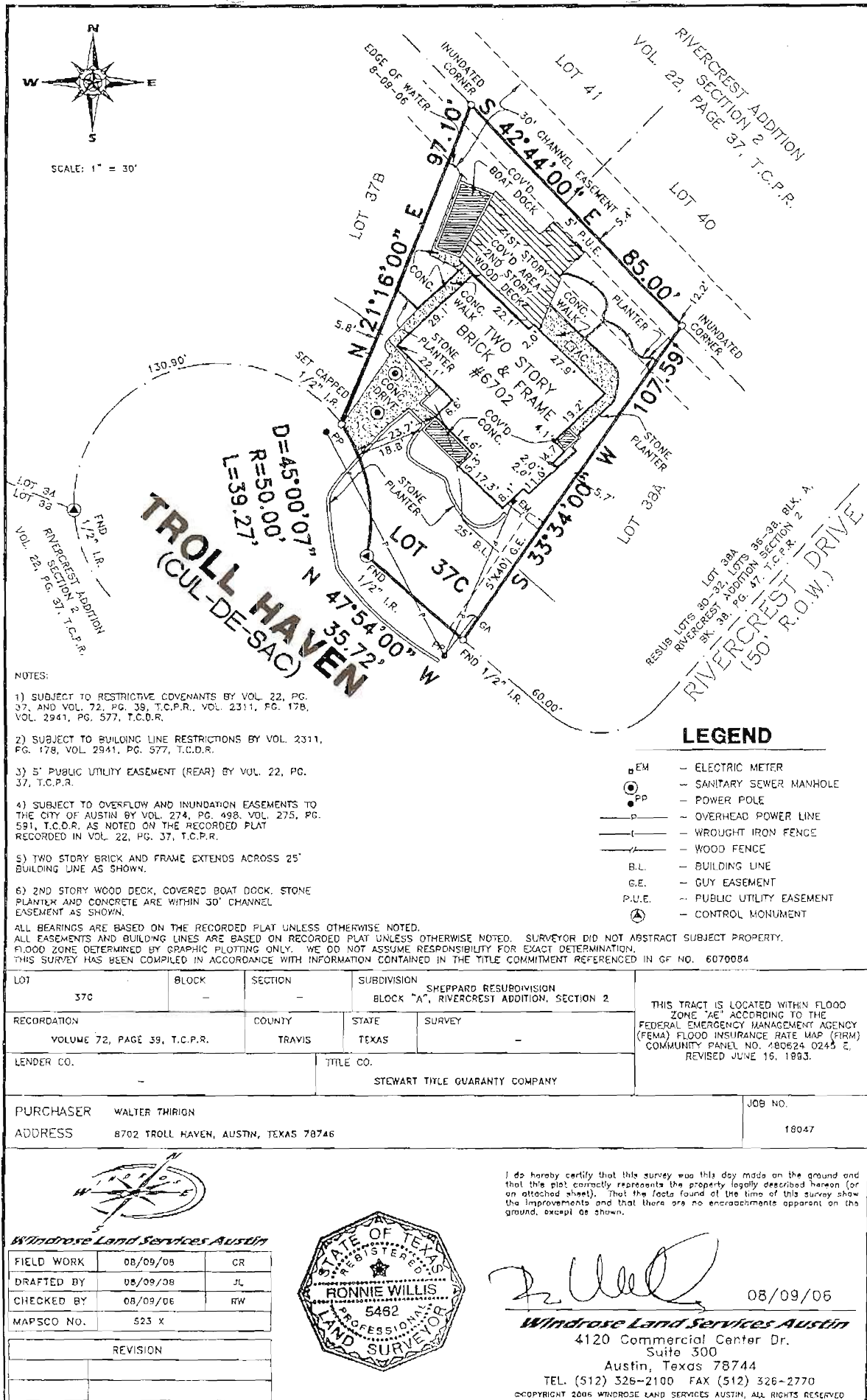
**Susan Walker, Planner**  
**974-2202**

**Diana Ramirez, Administrative Specialist, Board Secretary**  
**974-2241**  
**Fax #974-6536**

**Watershed Protection and Development Review Department**  
**One Texas Center**  
**505 Barton Springs Road, 2<sup>nd</sup> Floor**

**Mailing Address:**  
**P. O. Box 1088**  
**Austin, TX 78767-1088**





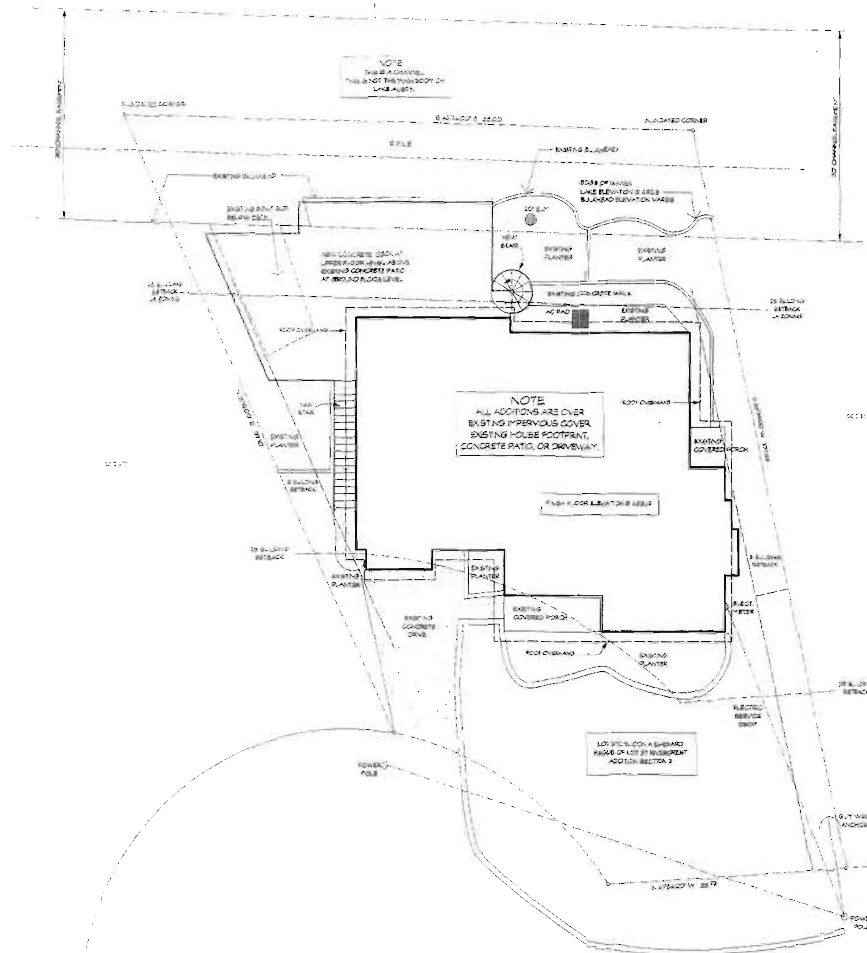
## SUBJECT PHOTOGRAPH ADDENDUM

File No. 608147

Borrower/Client	Thiron, Walter				
Property Address	6702 Troll Hvn				
City	Austin	County	Travis	State	TX
Zip Code	78746				
Lender	Bank of America/HomeFocus Services		Bank of America/HomeFocus Services		

FRONT OF  
SUBJECT PROPERTYREAR OF  
SUBJECT PROPERTY

STREET SCENE



6702  
TROLL HAVEN

# BUILDING COVERAGE

	EXIST	NEW / ADDITION
1ST FLOOR CONDITIONED AREA	1280 S.F.	6 S.F.
UPPER FLOOR CONDITIONED AREA	824 S.F.	779 S.F.
GARAGE ATTACHED	638 S.F.	5 S.F.
COVERED PORCHES	24 S.F.	5 S.F.
OTHER	5 S.F.	638 S.F.
2ND FLOOR DECK & STAIRS	5 S.F.	638 S.F.
TOTAL BUILDING AREA	2804 S.F.	1820 S.F.

TOTAL BUILDING COVERAGE ON LOT 3532 S.F.  
50% OF LOT

## IMPERVIOUS COVERAGE SYNOPSIS

TOTAL BUILDING COVERAGE	3532 S.F.
DRIVEWAY	350 S.F.
SEWER BASIN	24 S.F.
AS CONDITIONED PADS	5 S.F.

TOTAL IMPERVIOUS COVERAGE 4132 S.F.  
50% OF LOT

## ARCHITECTS

1206 W. 5TH ST. STE 300  
AUSTIN, TEXAS 78701  
P: 512.478.1007  
F: 512.478.1028



1804103

# TROLL HAVEN REMODEL

SERENITY HOMEBUILDERS, L.L.C.  
3501 ROBBINS RD. - AUSTIN, TEXAS 78730X

DATE

03/18/04

REVISED:

REVISED:

REVISED:

REVISED:

DRAWN BY

KR, KS & CR & LL

SHEET NUMBER

A1.1P

1 SITE PLAN  
SCALE: 1/8" = 1'-0"

CS-2008-0074  
6702-Troll Haven





